

III. Remarks

Claims 1 through 19 are pending in the application. Claim 5 has been cancelled. Claims 1, 9, 15 and 18 have been amended. No new claims have been added and 18 claims remain under consideration.

Rejections Under 35 USC § 112

Claims 1 through 19 were rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner rejected language in claims 1, 9, 15 and 18. All of the subject claims have been revised in accordance with the Examiner's bases of rejection and suggestions. The subject matter of claim 18 has been revised such that it is no longer parallel to claim 17. In view of the foregoing, it is submitted that all claim rejections under 35 U.S.C. §112, second paragraph, have been addressed and overcome.

Rejections Under 35 USC § 102

Claims 1 through 7 and 9 through 19 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,128,859 to Vance (Vance). It is the Examiner's position that Vance discloses a two-piece weatherstrip for a motor vehicle comprising a cover having a first flange, a second flange and a centrally disposed web and a body having a first slot, a second slot, an S-shaped middle insert and a pair of wiper lips.

Notwithstanding this characterization, the invention of the present patent application is distinct, novel and non-obvious over the '859 patent. A comparison of Figure 3 of the present application and Figure 2 of the '859 patent is suggested.

Through such comparison, it will become apparent that the weatherstrip configuration is distinct. For example, in both the upwardly opening and downwardly opening body slots of the present invention, inwardly directed lips or flanges reside whereas in the '859 weatherstrip, lips or flanges reside only in the slot receiving the door frame flange of the vehicle. In the disclosed and claimed device, particularly dependent claims 8 and 18, a notch resides in the centrally disposed web portion which assists retention of the cover in the body. In the '859 patent, an enlarged triangular web portion is received and retained within a complementarily configured recess.

Next, the body portion of the disclosed invention includes an outwardly extending region having both a flange or edge which engages the outside surface of the vehicle as well as a recess adjacent such flange or edge which receives a portion of one of the flanges of the cover. This is distinct from the configuration of the '859 patent wherein the cover includes a lower end region which contacts the body or door portion of the motor vehicle. By way of further explanation, the recess and complementary cover portion of the '859 patent is in the upper region of the weatherstrip, adjacent one of the wiper flanges. In the disclosed and claimed weatherstrip configuration, however, the recess and engaging flange portion are in the lower region of the weatherstrip, adjacent the flange or edge which contacts the vehicle.

Independent claims 1, 8 and 15 have been amended to highlight these distinctions. However, it should be noted that the recess in the body of the weatherstrip for receiving a portion of one of the flanges was recited originally in all three independent claims. The claim amendments undertaken herein are intended

to clarify the location of the recess and distinguish it from features disclosed in the '859 patent which are different in location, configuration and function.

The 859 patent neither discloses nor suggests the weatherstrip configuration now claimed in the revised claims. Hence, the claims are neither anticipated nor rendered obvious by the '859 reference. Under a proper interpretation of 35 U.S.C. §102(e) and 35 U.S.C. §103(a), the claims recite patentable subject matter and should be allowed.

The Examiner's indication of the objected to status of claim 8 is noted and appreciated. However, as the foregoing arguments make apparent, Applicants consider that claim coverage somewhat broader than that provided by claim 8 is appropriate.

SUMMARY

Pending Claims 1 through 4 and 6 through 19, as amended, are patentable. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

May 7, 2004

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